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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,273	09/23/2003	Steven J. Fredette	C-3240	6564

7590

12/03/2004

M. P. Williams
210 Main Street
Manchester, CT 06040

EXAMINER

AUSTIN, MELISSA J

ART UNIT

PAPER NUMBER

1745

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/669,273	Applicant(s) FREDETTE, STEVEN J. SJE	
	Examiner Melissa Austin	Art Unit 1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-6 are pending in this application after the preliminary amendment submitted 5 August 2004.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 16, 86, 88, 89. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

3. An Information Disclosure Statement (IDS) has not been filed as of the mailing of this action.

Specification

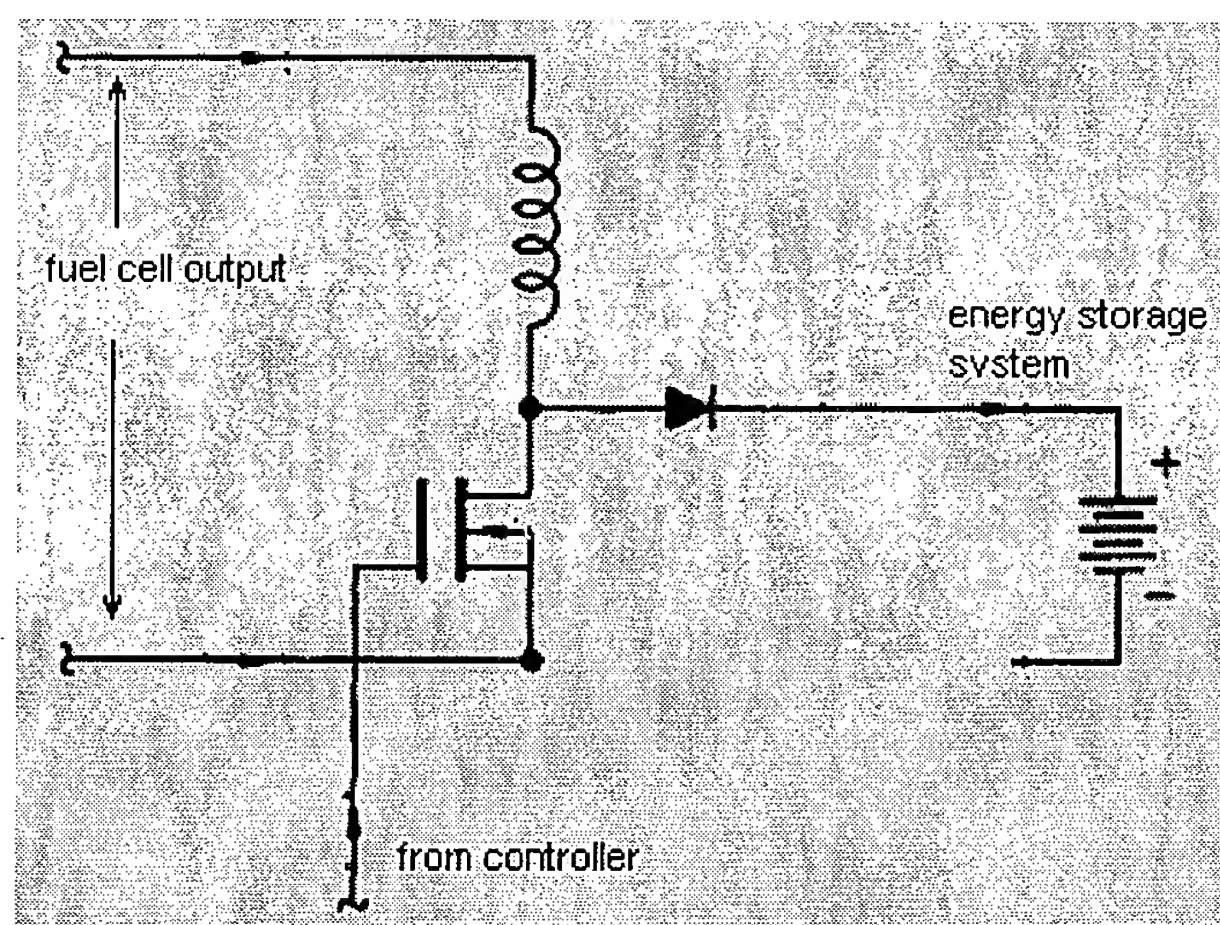
4. The abstract of the disclosure is objected to because it is longer than the maximum 150 words in length. Correction is required. See MPEP § 608.01(b).
5. The disclosure is objected to because of the following informalities: The applications listed as copending on page 2 of the specification (09/742,481 and 09/742,497) were abandoned before the filing of the instant application. The status of these applications should be changed abandoned and not copending. Alternatively, the prior commonly owned applications may be referenced by their respective U.S. Patent Application Publication numbers with proper status. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The reading of claim 3 results in the following circuit schematic:



Applicant's specification does not enable one of ordinary skill in the art to make or use the invention of instant claim 3. The specification is enabling for the invention of instant claim 2, where the circuit is the same as the schematic above except that the negative terminal of the energy storage system and the lower fuel cell output are connected. The specification includes no description of the embodiment of instant claim 3 or how it may be made or used for storage of energy from a fuel cell. This rejection may not be overcome by amending the specification to include the embodiment of instant claim 3 because the instant claim is not an original claim, and, as such, would constitute new matter in the specification.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 2, and 4-6 rejected under 35 U.S.C. 102(e) as being anticipated by Zhu et al. (US 2004/0219399). Zhu teaches a fuel cell based power supply (applicant's fuel cell power plant) containing a fuel cell stack, a fuel cell controller (applicant's controller), a DC/DC controller and converter, and a power storage device (together applicant's energy storage system) that may be used to power a vehicle. The fuel cell controller receives input from interfaces (such as an ON/OFF switch) and operational data for the fuel cell stack (such as temperature, reactant flows) as well as provides commands and stack control signals. The input to the controller results in the controller allowing startup or shutdown of subsystems, including the fuel cell stack, of the power supply. The power storage device, such as a capacitor or battery, is coupled in parallel across the load and receives power when the fuel cell stack produces more current than the load requires. The coupling of the power storage device across the load reduces the maximum power rating requirement of the fuel cell stack (applicant's limits the maximum average voltage in the fuel cells). The DC/DC controller operates in conjunction with the fuel cell controller. The DC/DC power converter may be non-isolated, with a boost inductor and diode (applicant's unilaterally conducting device) in series between the fuel cell output and power storage device input, and a switch (MOSFETs bipolar transistors driven via a gate drive with control logic implemented in the DC/DC controller) connected from the junction of the inductor and diode to both the fuel cell output and power storage device input. (Figure 1; Pg. 3, [0030, 0033, 0038]; Pg. 5, [0050, 0060]; Pg. 4, [0039]; Figure 8; Pg. 7, [0084]).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa Austin whose telephone number is (571) 272-1247. The examiner can normally be reached on Monday - Thursday, alt. Friday, 7:15 AM - 4:15 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mja

Melissa Austin
Patent Examiner
Art Unit 1745

M
Patrick Ryan
SPE - A01745